

2814

S/N 09/259,849

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Paul A. Farrar

Examiner: Ginette Peralta

Serial No.: 09/259,849

Group Art Unit: 2814

Filed: March 1, 1999

Docket: 303.557USPTO

Title: CONDUCTIVE STRUCTURES IN INTEGRATED CIRCUITS

RESPONSE UNDER 37 C.F.R. § 1.111

Commissioner for Patents
Washington, D.C. 20231

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TECHNOLOGY CENTER
#22 Response
M. Bauman
9/18/02

REMARKS

Applicant has reviewed and considered the office action mailed on May 21, 2002 and the references cited therewith.

Claims 1-77 are now pending in the application.

§103 Rejection of the Claims

Claims 1-5, 7-12, 14-15, 17-20, 22-23, 25, 27, 29-30, 32-34, 36-38, 40-42, 44-45, 47-50, 52-56, 58-59, 60, 62-65 and 72 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Dubin et al. in view of Ting et al. and Brown et al. (U.S. Pat. 6,168,704). Applicant does not admit that Dubin et al. is prior art, that Ting et al. is prior art or that Brown et al. is prior art and reserves the right to swear behind Dubin et al., Ting et al. and Brown et al. as provided for under 37 C.F.R. 1.131. Applicant traverses the rejections of claims 1-5, 7-12, 14-15, 17-20, 22-23, 25, 27, 29-30, 32-34, 36-38, 40-42, 44-45, 47-50, 52-56, 58-59, 60, 62-65 and 72.

Claim 1 recites, "depositing an insulator over a *planarized* surface" (emphasis added). Neither Dubin et al. nor Ting et al. teach or suggest "depositing an insulator over a *planarized* surface" (emphasis added), so the office action combines the teachings of Dubin et al. with those of Brown et al. and cites to Figs. 4A, 5A, 7A and 9A of Brown et al. to support the obviousness rejection. Applicant respectfully submits that a finding of a teaching or suggestion to combine the references is not supported in the office action. The office action must provide specific, objective evidence of record for a finding of a suggestion or motivation to combine reference teachings and must explain the reasoning by which the evidence is deemed to support such a finding. *In re Sang Su Lee*, 277 F.3d 1338, 61 U.S.P.Q.2d 1430 (Fed. Cir. 2002). The office action comment, on page 4, that "[t]he latter would certainly also include a planarized structure,